

The American Legion
Department of California
21st District
Idyllwild Post 800



Post By-Laws

Revised and Adopted January 6, 2001

Post Commander: Richard E. Lanford

Post Adjutant: James M. Kent

INCORPORATION

Idyllwild Post 800 is incorporated under the laws of the State of California. The Articles of Incorporation, dated November 18, 1949, Corporation Number 240455, are on file with the California Secretary of State.

[Adjutant's Note: The California Secretary of State, registry of California Corporations, have revised the Corporate Entity Number as follows: C0240455]

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PREAMBLE

For God and Country, we associate ourselves together for the following purposes:

- to uphold and defend the Constitution of the United States of America;
- to maintain law and order; to foster and perpetuate a one hundred percent Americanism;
- to preserve the memories and incidents of our associations in the great wars;
- to inculcate a sense of individual obligation to the community, state, and nation;
- to combat the autocracy of both the classes and the masses;
- to make right the master of might; to promote peace and good will on earth;
- to safeguard and transmit to posterity the principles of justice, freedom and democracy;
- to consecrate and sanctify our comradeship by our devotion to mutual helpfulness.

ARTICLE I - NAME

The name of this Post shall be Idyllwild Post 800, The American Legion, Department of California. The Post is located at 54360 Marian View Drive, Idyllwild, Riverside County, California.

ARTICLE II - OBJECTS

The objects and purposes of this Post shall be to promote the principles and policies as set forth in the forgoing Preamble, the by-laws of this Post, and in the American Legion's National and California Departmental constitutions and by-laws.

ARTICLE III - NATURE

Section 1. This Post is a civilian organization. Membership herein does not affect or increase liability for military or police service. Rank does not exist in this Post. No member shall be addressed by his military or naval title in any meeting of this Post.

Section 2. This Post shall be absolutely non-political and shall not be used for the dissemination of partisan principles or for the promotion of the candidacy of any person seeking public office or preferment.

Section 3. Each member shall perform his full duty as a citizen.

ARTICLE IV - MEMBERSHIP

Section 1: Eligibility. The eligibility for membership in this Post shall be those dates and conditions set forth in Article IV, Section 1., of the National Constitution of the American Legion.

Section 2: Classes of Membership. There shall be no form or class of membership except active membership.

Section 3: Applications. Candidates for membership in this Post shall make application on a form prescribed by the Board of Directors of this Post; shall pay therewith the dues for the current calendar year; and shall furnish a clear, unaltered copy of official evidence of eligibility.

ARTICLE IV - MEMBERSHIP (Continued from Page 1)

The Adjutant shall retain such copy of the official document showing eligibility as long as the individual remains a member of the Post. No application will be considered complete until all the foregoing provisions have been complied with.

Section 4: Election to Membership. All completed applications for membership in this Post shall be referred to the Membership Committee. At each regular meeting of the Post the Committee shall report on all completed applications received during or after the last regular meeting. A majority vote of those present and voting shall elect or reject a candidate. No member can be elected to membership in this Post who is a member of any other Post in the American Legion, unless the member is requesting transfer to this Post.

Section 5: Applicability. All of the foregoing requirements for membership in this Post apply to persons requesting transfer from another Post except that if the applicant has already paid dues for the current membership year to his/her current Post, nor further dues are required.

Section 6: Applicants Expelled from Other Posts. No person who has been expelled by another Post shall be admitted to membership in this Post without the consent of the expelling Post. An exception may be allowed when consent has been requested and denied by such Post and the person appeals to the Department Executive Committee for permission to be admitted to membership in this Post. In such cases, the person remains ineligible for membership until such permission is granted. Furthermore, in such cases, all other requirements for membership set forth above apply.

ARTICLE V - AUXILIARY

Section 1: Recognition. This Post recognizes an auxiliary organization to be known as The Auxiliary Unit of Idyllwild Post 800, the American Legion, Department of California.

Section 2. Membership in the Auxiliary shall be as set forth in the National Constitution of the American Legion.

ARTICLE VI - OFFICERS AND MEMBERS-AT-LARGE

Section 1: Elective and Appointed Officers and Members-at-Large.

A. The officers of this Post Shall be Commander, First Vice Commander, Second Vice Commander, Third Vice Commander, Adjutant, Finance Officer, Sergeant-at-Arms, Chaplain, Judge Advocate, Service Officer and Historian. The Post may also have an Assistant Adjutant and Assistant Sergeant-at-Arms.

B. The elective officers of the Post shall be the Commander and the Vice-Commanders.

ARTICLE VI - OFFICERS AND MEMBERS-AT-LARGE (Continued from Page 2)

C. The Commander shall appoint the Adjutant, Finance Officer, Sergeant-at-Arms, Judge Advocate, Service Officer, Chaplain and Historian. The Commander may also appoint an Assistant Adjutant and an Assistant Sergeant-at-Arms.

D. The Commander and Vice Commanders may not hold any of the other above offices in the Post. Other officers may hold two (2) or more of the above offices except that no person may hold the offices of both Adjutant and Finance Officer.

E. Three Members-at-Large will be elected to serve as members of the Post's Board of Directors and may not hold any of the above offices during their terms.

Section 2: Nominations and Elections. First nominations for elective Officers and Members-at-Large will be made at the regular meeting in April of each year. Second nominations and elections will be held at the regular meeting in May of each year. All elections shall be by secret written ballot. At the May meeting, the Adjutant will announce any nominations made during the April meeting prior to the second nominations and elections. The Commander and Vice Commanders shall be elected by majority vote of those present and voting. All other offices may be elected by a plurality of those present and voting. In order to be elected, any nominee must either be physically present at the May meeting or have indicated in writing his/her willingness to serve in the position to which nominated, in writing to the Post Adjutant, prior to the May meeting.

Section 3: Terms of Office. All Post officers shall be elected or appointed for a term of one year. They shall be impressively installed, preferably by a ritual team, in accordance with the prevailing National Manual of Ceremonies, prior to the first day of September of that year. The three Members-at-Large shall be elected, one each year, for a term of three years. If, for any reason, an elected Member-at-Large does not complete his or her full three year term, a successor shall be shall be nominated and elected for the remainder of the term in accordance with the procedure outlined in Section 4, below.

Section 4: Filling of Vacancies. Except as provided for in Article XIX - Recall Provision, vacancies in elective offices, including Members-at-Large, will be filled by nomination and secret written ballot at a regular meeting following the vacancy, provided that notice of the election is given at the preceding regular meeting.

Section 5: Eligibility for Office. Every member of this Post in good standing is eligible to hold office in this Post.

Section 6: Removal for Absenteeism. In the event that any Post Officer or Member-at-Large is absent from three consecutive regular Post meetings and/or Board of Directors Meetings, without being excused by the Commander, such office may be declared vacant by a majority vote of those present and voting at a regular meeting held after written notice is given to all members that such a vote will be taken.

ARTICLE VII - DUTIES OF OFFICERS

Section 1: Commander. It shall be the duty of the Post Commander to preside at all meetings of the Post and to have general supervision over the business and affairs of the Post. He/she shall be the Chief Executive Officer of the Post and shall serve as Chairman of the Post's Board of Directors. The Commander shall perform such other duties as directed by the Post.

Section 2: First Vice-Commander. The First Vice Commander shall assume and discharge the duties of the officer of Commander in the absence or disability of, or when called upon by the Post Commander. He/she shall chair the Post's Membership Committee and perform such other duties as directed by the Post.

Section 3: Second Vice-Commander. The Second Vice-Commander shall be second in line to assume and discharge the duties of Commander in the absence or disability of the Commander. He/she shall be in charge of special events and perform such other duties as directed by the Post.

Section 4: Third Vice-Commander. The Third Vice-Commander shall be third in line to assume and discharge the duties of Commander in the absence or disability of the Post Commander. He/she shall coordinate the Post's Children and Youth Activities and Community Relations Activities. He/she shall act as the Post's liaison with the Sons of American legion Squadron 800 and perform such other duties as directed by the Post.

Section 5: Post Adjutant. The Adjutant shall be fourth in line to assume and discharge the duties of Commander in the absence or disability of the Post Commander. The Adjutant shall have charge of and keep a full and correct record of all proceedings of all Regular, Special and Board of Directors meetings, keep such records as the Department of California and National Organizations may require, render reports of membership annually and when called upon at a meeting, and under the direction of the Commander, handle all correspondence of the Post. He/she shall perform such other duties as directed by the Post.

Section 6: Finance Officer. The Finance Officer shall be fifth in line to assume and discharge the duties of Commander in the absence or disability of the Post Commander. The Finance Officer shall have charge of all finances and see that they are safely deposited in some local bank or banks and shall report once a month to the Board of Directors and the Membership the condition of the finances of the Post. He/she shall be bonded under a blanket bond to be procured from Department Headquarters at cost and paid for by the Post. He/she shall perform such other duties as directed by the Post.

Section 7: Sergeant-at-Arms: The Sergeant-at-Arms shall be sixth in line to assume and discharge the duties of Commander in the absence or disability of the Post Commander. He/she shall preserve order at all meetings and shall perform such other duties as directed by the Post.

ARTICLE VII - DUTIES OF OFFICERS (Continued from Page 4)

Section 8: Judge Advocate. The Judge Advocate shall be seventh in line to assume and discharge the duties of Commander in the absence or disability of the Post Commander. The Judge Advocate shall advise the Post officers on the construction and interpretation of the Post by-laws and perform such other duties as directed by the Post.

Section 9: Historian. The Historian shall be eighth in line to assume and discharge the duties of Commander in the absence or disability of the Post Commander. He/she shall be charged with keeping a historical record of the Post's activities, officers and members, and shall perform such other duties as directed by the Post.

Section 10: Chaplain. The Chaplain shall be ninth in line to assume and discharge the duties of Commander in the absence or disability of the Post Commander. He/she shall be charged with the spiritual welfare of the Post's members and will offer divine but non-sectarian service in the event of dedications, funerals, public functions, etc., and shall adhere to such ceremonial rituals as are recommended by Department of California or National Headquarters. He/she shall perform such other duties as directed by the Post.

Section 11: Service Officer. The Service Officer shall be tenth in line to assume and discharge the duties of Commander in the absence or disability of the Post Commander. The duties of the Service Officer shall be as provided for in the American Legion Officer's Guide and Service Officer's Manual. He/she shall perform such other duties as directed by the Post.

Section 12: Conflict of Interest. No elected or appointed Officer or Member-at-Large shall be paid for, or have a financial interest in, work performed for the Post, except that personal expenses incurred in such work may be reimbursed if properly documented and approved by the Board of Directors.

ARTICLE VIII - BOARD OF DIRECTORS

Section 1: Composition. The Board of Directors of this post shall consist of the Commander, the three Vice-Commanders, Finance Officer, Adjutant and the three members-at-Large described in Article VI of these by-laws. With the exception of the Adjutant and Finance Officer, all Board Members must be elected in accordance with the provisions of Article VI of these by-laws. Persons appointed Pro-Tem to perform duties of elective offices that become vacant for any reason may not act as members of the Board unless and until they are elected in accordance with Article VI of these by-laws.

Section 2: Authority. The Board of Directors is charged with the government and management of the Post. The Board shall consider all matters affecting the Post and report all actions and recommendations to the Post. Failure to report any actions by the Board at the next regular Post meeting will render actions null and void. Except as provided for by these by-laws, the Post has the final determination in any matter, irrespective of the Board's decision on the matter.

ARTICLE VIII BOARD OF DIRECTORS (Continued from Page 5)

Section 3: Duties of Members. The Commander, Vice Commanders and Adjutant shall be Chairman, Vice-Chairmen and Secretary, respectively, of the Board.

Section 4: Supervision of Committees. The Board shall exercise supervisory authority over all standing and ad hoc committees of the Post, including the House Committee.

Section 5: Meetings. The Board shall meet regularly at least once between regular meetings of the Post at a time designated by the Board. A quorum shall consist of a majority of the Board members elected or appointed in accordance with Article VI of these by-laws. The Board may hold such special meetings as the Commander or majority of the Board deems advisable, provided each member of the Board is notified orally or in writing at least 24 hours prior before the meeting, stating the purpose and the time and place of the meeting. A letter mailed at the Idyllwild Post Office at least 48 hours in advance of such special meeting shall be considered 24 hour written notice. All Board meetings will be held at the Post facilities at 54360 MarianView Drive, Idyllwild, California, unless the Post facilities are determined to be unsafe by reason of fire, flood, earthquake or other disaster.

Section 6: Open Meetings. Any Post member in good standing may attend Board meetings. Exceptions to this policy may be made at the discretion of the Board when personnel matters involving Post employees or litigation involving the Post are under consideration. In such cases, the Board may go into closed session for consideration of these matter, only.

Section 7: Appropriation Authority. The Board may appropriate up to \$400 for any single non-recurring expenditure without the approval of the Post. Any non-recurring expenditure in excess of \$400 must be referred to the Post for approval at its next regular meeting. Items within a purchase intended for a single purpose may not be separated for the purpose avoiding the \$400 cap.

ARTICLE IX - COMMITTEES

Section 1: General. The Commander, after taking office, shall appoint a standing Membership Committee, a standing Finance Committee and such ad hoc committees as may be necessary to the operation of the Post. Except as otherwise provided herein, the Commander shall designate the committee chairmen.

Section 2: Finance Committee. The Finance Committee shall consist of three regular members and one alternate, at minimum, and shall be charged with oversight of the Post's financial policy, preparation of an annual budget, and supervision of the receiving, disbursing and accounting of Post funds subject to guidance from the Board of Directors.

Section 3: Membership Committee. The Membership Committee shall consist of three members and one alternate, at minimum, and shall have charge of all matters pertaining to Post membership subject to the provisions of these by-laws. The Committee shall ensure that all applicants for membership in the Post including new members, transfers and reinstatements are eligible for Membership in the Legion regardless of current or past membership in another Post.

Section 4: Audit Committee. The audit committee shall consist of three members in good standing, none of whom shall be the Commander, Vice Commanders, Adjutant, Finance Officer or any other person charged with the responsibility of handling Post funds. The Committee will examine the Post's books and records of account in accordance with Article XII, Section 2, except that at the discretion of the Commander and approval of the Post, a licensed accountant may be requested to perform such an audit.

Section 5: Emergency Committee. In an emergency, so declared by the Commander or Acting Commander, an Emergency Committee consisting of at least two Officer members of the Board of Directors (Vice Commanders, Adjutant and Finance Officer), two of the three Members-at-large, and two previously appointed members of the Finance Committee. Emergency Committee appointees may not include officers appointed pro-tem. Any other member of the Board of Directors who is available will automatically become a member of the Emergency Committee. The Commander or Acting Commander shall chair the Committee and shall have a tie-breaking vote, only. The Committee shall give written authorization to the Finance Officer for the disbursement of funds in the form of a letter signed by all members of the Committee stating the nature of the emergency, the action taken by the Committee, and the funding appropriated. The letter shall be read at the next regular meeting and shall comprise the full report of the Committee.

Section 6: Special Committees. Special committees may be appointed at the discretion of the Commander, the Board of Directors or the Post to oversee or investigate special situations or actions. Reports of the special committees can be made verbally or in writing at the discretion of the entity appointing the committee.

Section 7: House Committee.

A. The House Committee shall consist of the three Members-at-Large elected to the Board of Directors in accordance with Article VI of these by-laws. The senior member by virtue of longest continuous membership on the committee shall serve as Committee Chairman.

B. The Committee shall be responsible for recommending to the Board of Directors and the Post changes, additions or deletions to the physical plant (buildings and grounds), equipment and personnel. When either contractors or volunteer workers are performing work on the physical plant, the Committee will oversee the satisfactory completion of such work.

ARTICLE IX - COMMITTEES (Continued from Page 7)

C. The Committee shall be responsible for regularly inspecting the Post buildings and grounds to determine what, if any, maintenance or repairs are required and for initiating action to accomplish such maintenance and repairs. If the cost of any individual maintenance or repair project exceeds \$100, the project must be submitted to the Board of Directors for approval prior to incurring the cost.

D. The Committee shall be responsible for recommending to the Board of Directors and the Post rules and policy for the operation of the bar and kitchen. Such rules and policy must be approved by a majority of the Post membership present and voting at a regular meeting. Among the rules to be recommended by the Committee will be those regulating the conduct of members and guests while present on the Post's buildings and grounds to be entitled "House Rules." Once the Post approves "House Rules", the Committee may discipline for infractions of the Rules. Such discipline is restricted to suspension of privileges in the social aspects of the Post and may not restrict the right of a member to enter the premises to attend regular Post meetings. More serious disciplinary problems must be dealt with as provided for in Article XVI - Trials.

E. Under the guidance of the Board of Directors, the House Committee shall supervise the operation of the Bar and Kitchen operations on a day-to-day basis.

F. If a bar and/or kitchen manager is authorized by the Board of Directors, these employees shall report to the Committee on an as-required basis.

G. The Committee shall be responsible for completing an inventory of all physical assets of the Post by July 20 and January 20 of each year. The results of the inventory will be reported to the Board of Directors at its January and July meetings, respectively, in a form approved by the Board. If, for some reason, the Board does not meet in July or January, the report will be submitted to the Board at its next regular Board meeting. The report will specifically note any items missing from the last report.

H. The Committee will conduct an inventory of the bar stock on a monthly basis and report the results to the Finance Officer.

Section 8: Committee Meetings. Meetings conducted by any committee will be held at the Post facilities at 54360 Marian View Drive, Idyllwild, California, unless the Post facilities are determined unsafe by reason of fire, flood, earthquake or other disaster. Any Post member in good standing may attend the meetings of any committee. Such members may not speak at the meeting unless recognized by the chairman of the committee holding the meeting. Only committee members may vote on matters before any particular committee.

ARTICLE IX - COMMITTEES (Continued from Page 8)

Section 9: Reporting Requirements. If any committee fails to report to the Post at a regular Post meeting any action taken at a committee meeting, such action taken by that committee shall be null and void.

Section 10: Supervisory Authority. The Board of Directors shall have supervisory authority over all committees.

ARTICLE X - PROCEDURE

Section 1. Opening and closing of meetings, initiation of new members, and installation of officers shall be conducted as prescribed in the current edition of the American Legion's Manual of Ceremonies published as part of the American Legion's Officer's Guide.

Section 2. Robert's Rules of Order, as currently revised, shall govern the conduct of all meetings of this Post, except as may be otherwise provided for in these by-laws.

ARTICLE XI - ADMINISTRATION

Section 1: Mailing Address. The mailing address for this Post shall be PO Box 800, Idyllwild, California 92549. All official mail for the Post will be directed to this address. If action of the U.S. Postal Service changes the above address, such change will automatically become the Post's official mailing address.

Section 2: Records. All Post records, membership rosters, membership cards, files, computers, and computer storage and program disks, shall be maintained at the Post premises at 54360 Marion View Drive, Idyllwild, California, unless required as evidence at a legal proceeding. An exception is made in the case of financial records, which may be transferred directly to the business offices of an accounting service approved by the general membership for the purposes of auditing and other regular financial services. In such cases, the financial records required may be removed the Post for a maximum ten (10) days unless otherwise provided for by the Board of Directors.

Section 3: Official Publication. The Post 800 newsletter entitled Post 800 News and published either monthly or semi-monthly at the discretion of the Board of Directors, which is mailed to each member of this Post in good standing, shall be the official publication of this Post. Notices published in the Newsletter may be considered as written notifications where required elsewhere in these by-laws. Such written notifications must, however, be transmitted separately by regular mail if the mailing time of the newsletter precludes the timely transmission of such notifications as required by specific Articles and Sections of these by-laws.

ARTICLE XII - MEETINGS

Section 1: Meeting Time and Place. The regular general membership meetings of this Post shall be held on the first Saturday of each month at 10:00 AM, at the Post

ARTICLE XII - MEETINGS (Continued from Page 9)

facilities at 54360 Marian View Drive, Idyllwild, California. At the Commanders discretion, not more than two meetings per year may be canceled to accommodate national holidays provided announcement of such cancellation is made at the meeting of any sale or donation to any individual or entity over a sixty immediately before the meeting being canceled and notification is given in the Post Newsletter.

Section 2: Special Meetings. Special general membership meetings may be called by the Commander, and must be called upon the written request of five (5) members. No special meeting shall be called unless announced by the Commander or Acting Commander at the regular meeting preceding, or unless notice be mailed to each member at least five days prior to said meeting, stating the time and place of the meeting and the matter(s) to be considered. No other matters may be considered at such Special Meeting.

Section 3: Matters Considered at Meetings. The Post at any regular meeting may consider and pass upon any matters irrespective of whether such matters have been previously considered by the Board of Directors.

Section 4: Quorum. A Quorum at all Post general regular and special meetings shall consist of twelve (12) members, irrespective of whether any of those members present is an officer of the post. In the event none of the officers listed in Article VII, Sections 1 through 11 is present, any member may open the meeting and the first order business will be to nominate and elect a chairman for the meeting in question, only. The election may be by voice vote or secret written ballot, and shall be by majority vote. The meeting will then be conducted as any other regular meeting.

Section 5: Participation in Meetings and Elections. No member shall take part in any Post meeting or election unless he/she is in good standing. No member shall be represented at any meeting or election by proxy. There shall be no absentee balloting.

SECTION XIII - POST ASSETS

Section 1: Safeguarding. The Board of Directors is responsible for safeguarding the Post's physical assets whether or not such assets are listed in the inventory required by Article IX, Section 7.G.

Section 2: Disposal of Assets.

A. Real Property of the Post may not be sold, donated or otherwise disposed of unless such intent is announced at two successive regular meetings with written notification provided to each member in between the successive meetings at least ten days before the second successive meeting. Such disposal must be approved by two-thirds vote of the members present and voting at the second of the two successive meetings.

ARTICLE XIII - POST ASSETS (Continued from Page 10)

B. Other physical assets of the Post exceeding a fair market value of \$200 may not be sold, donated or otherwise disposed of unless the disposal is first approved by a majority vote of those present and voting at a regular meeting of the Post. For the purposes of this Section, the \$200 threshold shall be construed to mean the total value of any sale or donation to any individual or entity over a sixty (60) day period.

C. Physical assets below the \$200 threshold as described in Section 2. B., above, may not be sold, donated or otherwise disposed of unless the disposal is approved of by a majority of those present and voting at a regular meeting of the Board of Directors. Such disposal must be reported the Post at its next regular meeting.

ARTICLE XIV- FINANCE

Section 1. Expenditure Authorization. Except as provided for by Article VIII, Section 7, and Article IX, Section 7.C., and payment of routine bills for the operation of the Post, no expenditures shall be made without referring same first to the Board of Directors and then to the Post for approval.

Section 2: Financial Records. The Board of Directors shall have approval of the Finance Officer's record keeping procedures. The Board may delegate the authority for this approval to the Finance Committee. The Board may also appoint an individual to assist the Finance Officer in maintaining financial records.

Section 3: Books of Accounts. The Post shall keep books of accounts and shall cause said books to be examined by an audit committee or licensed accountant. Such examination shall be made within ninety days following installation of Post Officers. The Post shall certify to the Department prior to December 1 of each year that such examination has been made and file the original of the certification with the Department Adjutant before said date, with a copy to the District Commander or his/her designee. Failure of the Post to meet any of the requirements of this Section within said times, or any general or special extension thereof, shall be deemed a delinquency and delegates of the Post shall not be accredited at the Department Convention. The certification to the Department Adjutant and the examination may be put on forms furnished by the Department Adjutant's office.

Section 4: Account Audits. The Department Commander, the Post Commander, or the Post Board of directors may order an audit of the Post books of account at such other times during the fiscal year as may be deemed advisable.

ARTICLE XV - DUES, FEES AND FUNDS

Section 1: Annual Dues. The annual dues shall be as fixed by the membership at a regular meeting with two-thirds vote of those present and voting required for changing the dues. Legion membership is annual, with the Legion membership year being from January 1 to December 31. Dues are payable in advance between July 1 and December 31 for the following year.

ARTICLE XV - DUES, FEES AND FUNDS (continued from Page 11)

Section 2: Initiation Fee. The membership initiation fee, if any, shall be fixed by the Post at a regular meeting with two-thirds vote of those present and voting required to.

Section 3: Use of Dues and Fees. From the above dues and fees, the Post will pay out of the first (1st) money received from its members, the Department and National per capita tax due in full for each member, by the tenth (10th) of the month following the receipt of said dues and fees. The second (2nd) use of the funds will be for membership expenses including, but not limited to, recruiting, mailings to members, and the Post Newsletter. Remaining funds may be used for such other expenditures as the Post may approve.

Section 4: Membership Delinquency, Suspension and Forfeiture for Dues Non-Payment. The dates for Delinquency, Suspension, and Membership Forfeiture from this Post for non-payment of dues shall be those dates set forth in Article IV, Section 4., of the By-Laws of the National Constitution of the American Legion. A member whose membership has been suspended or forfeited under this Section may be reinstated to active membership in good standing by vote of the Post and payment of dues for the current year.

ARTICLE XVI - DELEGATES AND REPRESENTATIVES

The delegates and alternates to represent the Post at Department, Area or District meetings shall be elected at a regular meeting of the Post for one a year term by a vote of those present and voting. The election shall be held not later than the regular June meeting each year. The time for holding the election shall be announced by the Post commander one regular meeting in advance of the elections.

ARTICLE XVIII LIMITATIONS AND LIABILITIES

This Post shall not incur, nor cause to be incurred, any liability or obligation whatsoever which subject to liability any other individuals, corporations, or organizations.

ARTICLE XVII - TRIALS

Members of this Post shall be subject to disciplinary action as provided for in the Trial Manual of the Department of California, as adopted, and as may be amended from time to time thereafter. A copy of the verdict certified by the Post Commander and the Adjutant shall forthwith be forwarded to the Department Adjutant.

ARTICLE XIX - RECALL PROVISION

Section 1: Petition Filing. Any member in good standing may file a petition with the Adjutant, signed by ten (10) percent of the membership in good standing, requesting the holding of an election for the purpose of recalling an elective officer or member-at large.

Within five (5) days after the filing of said petition, the Adjutant will compare the signatures on said petition with the signatures on the applications of the respective signers on file at the Post. The Adjutant shall deliver the said petition and his report on the correctness of the signatures to the Board of Directors at its next meeting. If it appears from the report of the Adjutant that the authenticated signatures represent at least ten (10) percent of the membership, the Board shall fix the date of the recall election. The date fixed by the Board shall be a regular meeting of the Post not less than two weeks or more than six weeks after the meeting of the Board. If the Adjutant's report shows that authenticated signatures on the petition comprise less than ten (10) percent of the membership, the petition shall be returned to the filer of the petition. The filer shall have ten days thereafter to obtain the required number of valid signatures and re-file the petition with the Adjutant. The Adjutant shall re-check the signatures and resubmit the petition to the Board at its next meeting. If the petition is then found sufficient, the recall election shall be fixed as set forth above.

Section 2: Notice of Election. Notice of the date, time and place of the recall election shall be mailed to each member of the Post in good standing at his/her address as it appears in the Post records at least ten (10) days before the election.

Section 3: Conduct of Recall Elections. Only members in good standing shall be entitled to vote at recall elections. All recall elections shall be conducted by secret written ballot. At the election, the ballot shall read as follows:

Shall (Name of Officer or Member-at-Large) be recalled?

Yes _____ No _____

Yes votes shall be counted for the recall and No votes shall be counted against recall.

Section 4: Replacement of Recalled Officer or Member-at Large. If the officer or member-at-large in question is recalled, the Post, at its next regular meeting shall elect a successor to fill the uncompleted term. Nominations and election shall be held at the same meeting. The person recalled shall not be eligible to fill the vacancy.

ARTICLE XX - AMENDMENTS

Section 1: Amendments by the Post. Proposed amendments to these by-laws must be submitted in writing and read at a regular meeting of the Post. At the next regular meeting, or subsequent meeting if postponed, the proposed amendment may be adopted by a two-thirds vote of those present and voting. Any amendment originated by the Post shall not be in final force or effect until approved by the Constitution and By-Laws Commission of the Department, but shall be temporarily enforced if not in conflict with the constitution and by-laws of the American Legion (National) or the Department of California.

Section 2: Other Amendments. These by-laws shall be automatically amended to conform to any changes in the American Legion's National or Department of California's constitution and by-laws. Failure or delay by the Post to adopt the required amendments shall not delay or modify the effect of such changes.

Section 4: Certification of Amendments. The Post Commander and Adjutant must certify to the following upon adoption of any amendments:

"We hereby certify that the above amendment(s) were read at two meetings and adopted on (date of adoption), a quorum being present, and by a two-thirds vote of those present and voting.

"First Reading (Date of First Reading)

"Second Reading and Adoption (Date of Second Reading and Adoption)

"Signed:

"Post Commander (Signature of Post Commander)

"Post Adjutant (Signature of Post Adjutant)"

Section 5: Approval. Any amendments to these by-laws must be sent in triplicate to Department Headquarters for approval by the Constitution and By-Laws Commission of the Department. The original is returned to the Post after having been approved by the Commission.

CERTIFICATION

We hereby certify that the above by-laws were read at two meetings and adopted on January 6, 2001, a quorum being present, and by a two-thirds vote of those present and voting.

First Reading: December 2, 2000

Second Reading and Adoption: January 6, 2001

RICHARD E. LANFORD
Post Commander

JAMES M. KENT
Post Adjutant

Proposal to Amend Idyllwild Post 800 By-Laws

First offered to the Membership in meeting assembled on April 1, 2006

I move to amend the Idyllwild Post 800 Bylaws as indicated in the section below entitled "Proposed Bylaws Amendment."

Bob Waltz
Finance Officer, Post 800

Proposed Bylaws Amendment

Add the following paragraph to Article XIV - FINANCE:

Section 5: Loans and Encumbrances. No officer or committee of the Post, or the Post's Board of Directors, shall enter into an agreement for a loan, mortgage, or other encumbrance to the Post's real property unless the agreement is approved first by the Post's Board of Directors and then by the General Membership. To be approved by the General Membership, the terms and amounts of the agreement must be announced at two (2) successive General Membership Meetings. The vote on the proposed encumbrance will be taken at the second of the two meetings with a majority vote of those present and voting required for approval.

Motion: That the Post By-Laws be amended as follows (added language is shown in BOLD ITALIC type; deleted language is indicated by STRIKETHROUGH):

ARTICLE VI - OFFICERS AND MEMBERS-AT-LARGE

Section 1: Elective and Appointed Officers and Members-at-Large.

B. The elective officers of the Post shall be the Commander and the Vice-Commanders, *Adjutant, and Judge Advocate.*

C. The Commander shall appoint the ~~Adjutant~~, Finance Officer, Sergeant-at-Arms, ~~Judge Advocate~~, Service Officer, Chaplain and Historian. The Commander may also appoint an Assistant Adjutant and an Assistant Sergeant-at-Arms.

ARTICLE VIII - BOARD OF DIRECTORS

Section 1: Composition. The Board of Directors of this Post shall consist of the Commander, the three Vice-Commanders, Finance Officer, Adjutant and the three members-at-Large described in Article VI of these by-laws. With the exception of the ~~Adjutant and Finance Officer~~, all Board of Members must be elected in accordance with the provisions of Article VI of these by-laws. Persons appointed Pro-Tem to perform duties of elective offices that become vacant for any reason may not act as members of the Board unless and until they are elected in accordance with Article VI of these by-laws.

We hereby certify that the above amendment(s) were read at two meeting and adopted on May 7, 2011, a quorum being present, and by a two-thirds vote of those present and voting.

First Reading April 2, 2011

Second Reading and Adoption May 7 2011

Signed:

Post Commander _____ (signed)
RON DRAPER

Post Adjutant _____ (signed)
J.M. KENT